Minutes of the Town of Lee Planning Board

March 22, 2021

6:00pm Via Zoom

A regular meeting of the Lee Planning board was held virtually in accordance with Governor Baker’s Order suspending certain provisions of the Open Meeting Law (MGL Chapter 30A, Section 20) on Monday, March 22, 2021 at 6:00pm on Zoom.

Present: Matt Carlino (Chair), Peter Bluhm, Peg Biron, Buck Donovan, David Forrest and Gordon Bailey (alternate).

Others Present: Pete D’Agostino (Tenax Strategies), Victoria Ireton (Tenax Strategies), Victoria Houle (Fuss & O’Neill), Steve Giove, Jean Marie Stein, Deb Bronston, Richard Moche, M Kulig, Susan Groberg, Kathy Hall, Jeanne Carmichael, Dick Lindsey, Patty Carlino, and Janet Warner.

**Call to Order**

Chairperson Carlino called the meeting to order at 6 p.m. For the record he informed those in attendance that the meeting was being recorded.

**Approval of December 14th Minutes**

Member Forrest moved, Member Bluhm seconded, and the Planning board voted (4-0) to approve the December 14th minutes as written. (Bluhm – aye; Donovan – aye; Forrest – aye; Carlino – aye)

**Special Permit Application – Forrest Wilde LLC 635 Laurel Street**

Chairperson Carlino recused himself, Alternate Member Bailey appointed. Member Donovan introduced presenters Pete D’Agostino (Tenax Strategies) and Victoria Houle (Fuss & O’Neill).

Applicant seeking a special permit for a 380 square foot addition. This particular addition will extend the front entrance and reduce parking lot to 2 handicap parking spaces.

Member Bluhm raised concerns of handicap access to the front of the building.

Members of the public raised concerns with the extension being within the contention of the law, location of loading dock, impact of sight lines, increase of drainage to abutters, construction noise and traffic issues.

Member Bailey encouraged attendance of the Special Permit Hearing with the Selectman to voice concerns.

Member Bluhm raised concerns with the proximity of addition to the highway.

Member Biron raised concerns with the setback and potential traffic issues.

Member Bluhm moved the board make a finding under Section 6.1 (B)(1) that the proposed extension and alteration will not be substantially more detrimental than the existing non conformal use to the neighborhood; Member Forrest seconded.

Discussion: Member Bailey commented that there is no non-conforming use.

Planning Board voted (5-0) (Biron – aye; Bluhm – aye; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the extended, altered and reconstructed structure will not be in greater non-conformity of open space, yard and off-street parking requirements of our zoning chapter; Member Forrest seconded. Planning Board voted (4-1) (Bluhm – aye; Biron – nay; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the proposed project is in compliance with all provisions and requirements of this chapter i.e., the zoning chapter and in harmony with its general intended purpose and specifically because of the specific standards of 6.1 (B); Member Bailey seconded.

Discussion: Member Donovan commented that the addition is a small portion of the size of the building and its future intended use has not been voted on by the Selectmen.

Member Bailey commented that the vote is on an addition to the existing restaurant.

Planning Board voted (4-1) (Bluhm – aye; Biron – nay; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the granting of the special permit is essential or desirable to the public convenience or the welfare of the proposed location; Member Bailey seconded. Planning board voted (4-1) (Bluhm – aye; Biron – nay; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the project will not be detrimental to adjacent uses to the established or future character of the neighborhood; Member Biron seconded. Planning Board voted (5-0) (Biron – aye; Bluhm – aye; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the addition will not create undue traffic congestion or unduly impair pedestrian safety; Member Bailey seconded. Planning Board voted (4-1) (Bluhm – aye; Biron – nay; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board find that the addition will not overload any public water drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in immediate area or any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare; Member Forrest seconded. Planning Board voted (5-0) (Biron – aye; Bluhm – aye; Forrest – aye; Bailey – aye; Donovan – aye)

Member Bluhm moved that the board grant the special permit under section 6.1 (B) of the by-law for the addition; Member Forrest seconded.

Member Bluhm moved to amend motion to add a condition that the applicant, within 2 weeks, submit a letter from a registered professional engineer stating that the project will not increase the surface water flow on to the property of the Inn at Laurel Lake and will include calculations and documentation; Member Bailey seconded. Planning Board voted (5-0) (Biron – aye; Bluhm – aye; Forrest – aye; Bailey – aye; Donovan – aye)

Member Donovan called roll call vote on amendment. Planning Board voted (5-0) (Biron – aye; Bluhm – aye; Forrest – aye; Bailey – aye; Donovan – aye)

Member Donovan called roll call vote on original motion with amendment. Planning Board voted (5-0) (Bluhm – aye, no conflict of interest; Biron – aye, no conflict of interest; Forrest – aye, no conflict of interest; Donovan – aye, no conflict of interest)

**General Code**

Chairperson opened for discussion the General Code proposed changes. The board agreed by unanimous consent to propose the following changes for town meeting:

#80 Do not revise

#81 Revise as suggested

#82 Refer to Town Counsel

#83 Revise as Suggested

#84 Revise as Suggested

#85 Revise as Suggested

#86 Revise as Suggested

#87 Do not revise

#88 Revise as follows, #1

#89 Do not revise

#90 Revise as Suggested

#91 Revise as Suggested

#92 Revise as Suggested

#93 Revise as follows, #1

#94 Revise as Suggested

#95 Delete this subsection, #1

#96 Revise as Suggested

Chairperson Carlino declared the meeting adjourned at 8:19 pm.

Elizabeth Mead

Land Use Assistant